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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 003692

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SUBJECT: AMB. SATTERFIELD PRESSES COR LEADERS ON PENDING  
LEGISLATION

Classified By: Political Counselor Matt Tueller for reasons 1.4 (b) and (d).

¶1. (C) Summary: In November 6 meetings, CoR Deputy Speakers Khalid al-Attiyah and Arif Tayfur and influential CoR member Humam Hamoudi told Amb. Satterfield that progress on key pending legislation remained possible during the current CoR session.

Attiyah and Hamoudi agreed that, among pending draft bills, passage of the De-Baathification Law appeared the most likely and progress on the Hydrocarbons Framework Law (HCL) seemed least likely due to Kurdish opposition, while Kurdish leader Tayfur claimed that only Tawafuq opposes the HCL draft but CoR

Speaker Mashhadani and Attiyah do not want to put it on the agenda because they do not yet have consensus. With all interlocutors, Amb. Satterfield underscored intense USG interest in CoR enactment of pending legislation, and he urged the CoR leaders to redouble their efforts to ensure legislative progress before the CoR adjourns. End Summary.

Meeting with Deputy Speaker Attiyah

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¶2. (C) Attiyah dismissed the possibility of Sadrist delaying legislation within committees, saying that the COR Presidency Council has the authority to place draft laws on the agenda at any time. He predicted that De-Baathification, Hydrocarbons, and Provincial Powers could all be passed before the end of the current parliamentary session in December. He blamed the Kurdish bloc for delaying the oil law and said the Kurds needed to understand that all Iraqis would benefit from the law's passage. Attiyah reserved most of his blame for Tareq al-Hashemi, calling him 'radical' and saying that even Iraqi Islamic Party (IIP) members criticized Hashimi for vetoing 21 out of 23 laws passed by the COR.

¶3. (C) Attiyah said the so-called "Leaders' Draft" of the De-Baathification Law (the text that reflects agreement among Iraq's top leader and, in our assessment, appears balanced and reasonable) would be easier to pass than the only version already approved by the Council of Ministers and formally submitted to the CoR, the so-called "Council of Ministers Draft," because it already enjoyed the agreement of the bloc leaders. He recommended that the Leaders' Draft be submitted to the Council of Ministers and then the COR.

¶4. (C) Turning to Provincial Powers, Attiyah said that Sunni and Shia views on the law evolved over the past few months. He

noted broad consensus for limiting provincial authorities during an introductory period and then later developing the proper distribution of authority. He pointed to the Basrah governor as an example of the misuse of authority likely if provinces are given power too quickly. Attiyah added that the marja'eeya are particularly concerned about provincial control over police and military forces and key administrative positions.

Meeting with Deputy Speaker Tayfur

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15. (C) Tayfur explained that the Sadrists and CoR Speaker Mashhadani are the only ones that disagree with the Leaders' Draft, adding that the Council of Ministers Draft is stuck in the legal committee and being blocked by the Sadrists.

Turning to the Hydrocarbons Framework Law, Tayfur said that only Tawafuq opposes the draft but Mashhadani and Attiyah do not want to put it on the agenda because they do not yet have consensus. On Provincial Powers, Tayfur said it was stalled by squabbling within the Shia and Sunni blocs and opposition from Hashimi. He added, "each part of the bloc is looking to maximize its own gains and is not negotiating based on what is good for the people." Tayfur concluded by saying the only concern of the Kurds is that Kirkuk be preserved and able to join the KRG.

16. (C) Tayfur criticized Hashemi for generally disagreeing

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with everything inside the CoR and using his bloc to block progress. As an example he described a law that would make it easier for Wafideen Arabs to return to their original homes from Kirkuk, but Hashemi is blocking it.

17. (C) Tayfur said the PKK issue should be solved by diplomatic means. "I have personally fought alongside Turkey in the mountains against the PKK and it is a fruitless endeavor," he said. Tayfur said the Kurds disagree with the actions of the PKK and are only concerned with protecting the KRG. He claimed that KRG President Masood Barzani had taken action against them, including opening up checkpoints to block their movements and supply lines, and cited news reports of the PKK moving across the border to Iran because of the crackdown as evidence. Satterfield assured him that POTUS made it clear to Turkish Prime Minister Erdogan on November 5 that the US would only accept action against the PKK, not against the KRG or KRG infrastructure, but emphasized the necessity of action from the KRG.

Meeting with ISCI's Humam Hamoudi

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18. (C) Humam Hamoudi, floor leader of Islamic Supreme Council of Iraq (ISCI) CoR bloc, claimed there were "no major problems" standing in the way of the De-Baathification Reform and Provincial Powers Laws. He praised the Leaders' Draft, which he said was written by fellow ISCI CoR member (and Badr militia leader) Hadi al-Amri, as a balanced text that incorporated positive points from the competing Council of Ministers Draft.

Although "De-Baathification" in practice is occurring in Iraq on a regular basis with many former Baath officials holding GOI jobs, he asserted, a formal De-Baathification law remains sensitive among Iraq's political class and no one wants to take the risk of leading on this highly symbolic bill. Therefore, he advised the USG to pressure Mashaddani and Attiyah to move the bill forward and predicted that it would eventually "overcome obstacles" and be enacted. He expressed doubt that the CoR Legal or De-Baathification Committees (both headed by Sadrist) would prevent the bill from going forward. He stated that he takes little personal interest in this particular law.

19. (C) With regard to the Provincial Powers Law, Humam identified the major sticking point as a dispute between the GOI and the CoR over the right to appoint provincial governors and senior provincial government officials, with the GOI and Prime Minister Maliki seeking to retain the right. Humam said he favored an approach adapted from the CPA era in which provinces would forward three nominees for each top provincial post and the central government could choose among them. He remarked cynically that central government control is the only thing that Maliki and Vice President al-Hashemi agree on, and that perhaps Hashemi wants to retain GOI centrality in hopes of someday wielding such power as prime minister. Humam complained that Hashemi had unjustly exercised unofficial veto power by refusing to sign 21 out of 23 laws passed by the CoR. On the Hydrocarbons Framework Law (from Humam's perspective, by far the most important pending bill), he said the proposed law drafted last February is a good law but that the Kurds are holding it up on constitutional interpretation grounds and disputes over the law's application to future oil and gas finds.

110. (C) In subsequent meetings with DPM Barham Saleh and FM Hoshyar Zebari, it was made clear that of all the key pending legislation, hydrocarbons (framework and revenue management system laws) and De-Ba'ath (Justice and Accountability Law) were

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the only measures within reach for passage at any point in the immediate future. Both believed Maliki had no interest in seeing any version of De-Ba'ath pass, whether the COM version now before the COR or the "leaders version" which received the ostensible August 26 blessing of Maliki, Talabani, Barzani, al-Hashemi and Abd al-Mahdi. Maliki told Ambassadors Crocker and Satterfield November 7 that on November 13 the COM would vote on whether to recall the version of De-Ba'ath reform now before the COM and whether to send the leaders version in its place. We will seek to determine this latest spin to reality; if such a vote is in fact scheduled, we will work COM contacts to press for action on the leaders text.

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